



Office de la propriété
intellectuelle
du Canada

Un organisme
d'Industrie Canada
www.opic.gc.ca

Canadian
Intellectual Property
Office

An Agency of
Industry Canada
www.cipo.gc.ca

03 NOV 2009

November 19, 2009

STIKEMAN ELLIOTT S.E.N.C.R.L.,SRL/LLP
4000 - 1155 Rene-Levesque Blvd. West
MONTREAL Quebec
H3B 3V2

Application No. : **2,505,428**
Owner : EDWARDS LIFESCIENCES AG
Title : **METHODS AND APPARATUS FOR REMODELING AN
EXTRAVASCULAR TISSUE STRUCTURE**
Classification : A61F 2/06 (2006.01)
Your File No. : **113326-1073**
Examiner : G. Carpinisan

YOU ARE HEREBY NOTIFIED OF A REQUISITION BY THE EXAMINER IN ACCORDANCE WITH
SUBSECTION 30(2) OF THE *PATENT RULES*. IN ORDER TO AVOID ABANDONMENT UNDER
PARAGRAPH 73(1)(A) OF THE *PATENT ACT*, A WRITTEN REPLY MUST BE RECEIVED WITHIN
6 MONTHS AFTER THE ABOVE DATE.

This application has been examined taking into account the:

Description, pages 1-68, as originally filed;
Claims, 1-23, as received on Nov. 21, 2008 during the national phase; and
Drawings, pages 1/33-33/33, as originally filed.

The number of claims in this application is 23.

A search of the prior art has revealed the following:

Reference Applied:

United States Application

2002/0151961 α Oct. 17, 2002 623/1.15 Lashinski et al.

α citation stemming from a foreign search report

The examiner has identified the following defects in the application:

Claims 11 to 19, 22 and 23 do not comply with paragraph 28.2(1)(a) of the *Patent Act*. The subject-
matter defined by these claims was disclosed by Lashinski et al. more than one year before the
filing date of the present patent application.

Canada

OPIC



CIPO

Lashinski et al. disclose an implant for positioning in a patient (figs. 1, 2, 2A), comprising a deployment catheter (paragraph 0021), an elongate flexible tubular body having proximal, central and distal sections (paragraph 0020), a forming element (56) extending through the proximal and distal sections of the body (fig. 2A; paragraph 0021), a detachable coupling on the body for removably attaching the body to the catheter (paragraph 0021), wherein the manipulation of the forming element deflects the central section laterally with respect to at least a portion of the proximal and distal sections (fig. 2; paragraphs 0021, 0023). Lashinski et al. further disclose the body comprising a plurality of voids (paragraph 0132), the forming element comprising a pull wire (paragraph 0023), and the coupling comprising a rotatable coupling (figs. 11-13).

Furthermore, in view of the fact that the common features linking the independent claims 1 and 11 presently in the application are taught by the prior art, as described above, it is held that the above claims contravene Section 36(1) of the Patent Act, as they are not so linked as to form a single general inventive concept. This inventive concept must find expression in common technical features which define the inventive contribution that the claimed invention makes over the prior art. Therefore, in amending the claims, the applicant shall include in all independent claims a common inventive feature in order to satisfy unity of invention requirements.

It is noted that amending independent claim 11 to include the features of dependent claim 20 would overcome all the above objections.

A statement in an application, such as found on page 1, line 32; page 15, line 30 and page 46, line 16 which incorporates by reference any other document, does not comply with subsection 81(1) of the *Patent Rules*.

In accordance with subsection 81(2) of the *Patent Rules*, all documents referred to in the description of an application must be available to the public. References to the documents on page 15, line 29 and page 46, line 13 must be deleted or replaced by their corresponding patent numbers or publication numbers.

Under section 76 of the *Patent Rules*, every trade-mark must be identified as a trade-mark. If "PEBAX" on page 32, is a trade-mark, it must be so identified.

In view of the foregoing defects, the applicant is requisitioned, under subsection 30(2) of the *Patent Rules*, to amend the application in order to comply with the *Patent Act* and the *Patent Rules* or to provide arguments as to why the application does comply.

G. Carpinisan
Senior Patent Examiner
819-953-8628